

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Affidavit of Basileios J. Foutris

1. I am an attorney, licensed in the State of Illinois, since 2000. I am also admitted to practice law in the United States Court of Appeals for the Seventh Circuit, the United States District Court for the Northern District of Illinois as a member of the Trial Bar, the United States District Court for the Central District of Illinois, the United States District Court for the Northern District of Indiana, and the United States District Court for the Eastern District of Wisconsin.

2. I graduated from Loyola University Chicago School of Law in 2000. I received my Bachelor's degree from Northwestern University in 1997.

3. Following law school, I was hired as an associate for the law firm of Anesi, Ozmon, Rodin, Novak & Kohen. I was employed as a plaintiff's personal injury attorney for that firm from 2000-2001. During that time, I handled an extensive personal injury caseload as lead counsel on over 50 matters, handling all aspects of litigation. Additionally, in that position, I was second chair on many cases, including matters alleging wrongful death. Also, while at that firm, I tried numerous cases in the Circuit Court of Cook County, Illinois, and solely prepared two briefs to the Illinois Appellate Court – one of which successfully defended a verdict on behalf of a firm client that was in excess of one million dollars.

4. I was next employed by Kurnik & Cipolla as an associate from 2002-2005. Kurnik & Cipolla was a litigation law firm that primarily represented municipalities in civil rights matters throughout northern and central Illinois, as well as in northern Indiana. During my time at Kurnik & Cipolla my practice focused on defending municipalities in general, and police officers in

particular, in civil rights lawsuits. Many of the cases involved allegations of serious wrongdoing, including matters involving in-custody deaths, police shootings, and instances where individuals spent long periods of time incarcerated. I was lead counsel on many cases, including having primary responsibility on many civil rights matters. At Kurnik & Cipolla I successfully briefed numerous matters before the Seventh Circuit and the Illinois Appellate Courts, and argued before the Seventh Circuit as well. In addition, while at Kurnik & Cipolla, I was either a first or second chair on in multiple trials in the Northern and Central Districts of Illinois, as well as in the Circuit Courts of Cook and Lake County, Illinois.

5. In 2005 I began my own practice by establishing my law firm, Foutris Law Office, Ltd. From 2005 to the present, I have focused my civil rights practice on cases representing individuals claiming police misconduct, including many cases involving allegations of wrongful death, police shootings, and instances where my clients have spent long periods of time in custody for things that they did not do. Many of these cases engendered significant media interest, including one - *Legrier v. Chicago, et al.*, 15 L 12964 - which resulted in significant domestic, national, and international media attention.

6. Since starting my own practice, I have briefed and argued cases before the Seventh Circuit, I have briefed matters before the Illinois Appellate Court, and I have tried numerous cases before juries as sole counsel, or as first-chair.

7. During the course of my career, I have participated as a speaker in the following presentations: December 2021, Chicago Bar Association, YLS Civil Rights Committee, *Selecting, Preparing, and Filing a Civil Rights Case*; March 2014, National Lawyers Guild of Chicago, *The Art of Cross-Examination*; June 2012, National Business Institute, *Handling the Police Liability Claim*; and October 2011, Indiana University Northwest, *What it Means to be a Lawyer*.

8. In my career as a civil rights attorney, I have handled hundreds of civil rights lawsuits in Courts throughout Illinois, in both state and federal forums, and in northern Indiana. Additionally, in my career, I have tried approximately 30 cases – most of which were as sole counsel, or as first-chair. I have won the majority of my trials.

9. Throughout my career, I have handled many cases involving significant allegations of wrongdoing by police officers. As a plaintiff's attorney I have secured numerous verdicts, and one settlement, of at least one million dollars, including the following matters: *Mitchell v. Chicago*, 12 L 1830; *Durdin v. Chicago*, 13 L 1468; *Legrier v. Chicago, et al.*, 15 L 12964 (judgment was not entered in favor of Plaintiff despite verdict due to the jury's special interrogatory answer); *Starks v. Chicago, et al.*, 16 L 9887; and *Taylor v. Chicago*, 18 L 3145. The most recent of these matters was the *Taylor* case, which was a wrongful death case that resulted in a \$3,000,000 verdict in favor of the Plaintiff in March 2022. Additionally, as a plaintiff's attorney, I have secured numerous verdicts and numerous settlements in the hundreds of thousands of dollars (I do not know the precise amount).

10. In my career as a civil rights attorney, by preparing and settling my own fee petitions, and by monitoring fee petitions by other civil rights attorneys, I have become familiar with the prevailing rates for civil rights attorneys in the Chicagoland area.

11. I am personally familiar with Irene Dymkar's abilities as a civil rights attorney. I have consulted with her on many civil rights matters over the past few years, and I have observed her at trial – including observing her present the opening statement, closing argument, and conducting cross-examinations in a highly contested police shooting case (*Davis v. City of Chicago*, 15 L 4799). Additionally, from my personal observations and knowledge of the *Davis* case, it is my opinion that Ms. Dymkar's legal work on that case was exceptional, and that few

civil rights attorneys in the Chicagoland metropolitan area would have even been able to secure a plaintiff's verdict in that case (a case that resulted in a \$5,000,000 plaintiff's verdict).

12. In my opinion, based on my personal experience, knowledge and observations, Ms. Dymkar is an excellent civil rights trial attorney. Given her skills, experience, and results, it would be reasonable and fair for Ms. Dymkar to charge \$525.00/hr, at a minimum, for her time.

VERIFICATION

Under 28 U.S.C. §1746, I, Basileios J. Foutris, declare under penalty of perjury, that the foregoing is true, correct and complete to the best of my knowledge and belief.

Dated: October 7, 2022

s/Basileios J. Foutris

Basileios J. Foutris